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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,511	10/01/2003	Kil Sang Chun	CU-3385 WWP	8532
26530	7590	07/05/2005	EXAMINER	
LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE SUITE 1600 CHICAGO, IL 60604			SMITH, KIMBERLY S	
			ART UNIT	PAPER NUMBER
			3644	

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/676,511	Applicant(s) CHUN, KIL SANG	
	Examiner Kimberly S. Smith	Art Unit 3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3 and 6-22 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3,6-18,20 and 21 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

[Handwritten signature]

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claims 14-21 in the reply filed on 04/14/05 is acknowledged. Upon reconsideration, the combination and subcombination are not considered to be mutually exclusive and therefore will be examined on the merits. The restriction of the method claim 22 is still deemed appropriate. As the Applicant did not specifically point out the errors in the restriction of the method claim, the election is considered to be without traverse.

The requirement is still deemed proper and is therefore made FINAL.

Specification

2. Claim 2 is objected to because of the following informalities: line 7: replace "an" with -a- -. Appropriate correction is required.
3. Claim 13 is objected to because of the following informalities: line 1: replace the "a" prior to "excretion" with - - an- -. Appropriate correction is required.
4. Claim 14 is objected to because of the following informalities: line 1: replace "The" with - -A- -. Appropriate correction is required.
5. Claim 21 is objected to because of the following informalities: line 1: insert - -the- - prior to "passage". Appropriate correction is required.
6. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. However, it is noted that the Application is replete with errors and grammar which does not conform to accepted English practice as this application appears to be a

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literal translation of a foreign document. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

7. Claim 7 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 7 depends from a cancelled claim and as such has been withdrawn from consideration.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 2, 3, 6-13, 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Claim 2 recites the limitation "the excreted urine" in line 19. There is insufficient antecedent basis for this limitation in the claim. Deletion of the word "the" would obviate this rejection.

11. Claim 6 recites the limitation "the bottom surface" in line 2. There is insufficient antecedent basis for this limitation in the claim.

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12. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 9 recites a limitation regarding "each" pig house. As only one pig house has been claimed, there is a lack of antecedent basis for any number of pig houses greater than 1.

13. Claims 11 and 12 recites the limitation "the ground level" in line 2 and lines 1 and 2, respectively. There is insufficient antecedent basis for this limitation in the claim. Further, it is unclear as to whether the ground level of the evacuation room is the same surface as the bottom of the evacuation room as claimed in claim 2?

14. Claim 17 recites the limitation "the ground level" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 2, 10, 11, 12, 14-16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lodige, Jr., US Patent 1,765,925 (Lodige) in view of Conover, US Patent 3,726,254.

Lodige discloses a pigpen structure comprising a pig house (d) having an evacuation room (c) and a lodging room (g) having four walls, an evacuation room gate (lines 51-52) installed between the evacuation room and the lodging room, wherein the evacuation room is

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accessible to the animal for excretion when the evacuation room gate is opened and further wherein the evacuation room gate when closed becomes a part of the four walls. However, Lodige does not disclose the use of a urine tube installed in the bottom of the evacuation room. Conover teaches within the same field of endeavor the use of a urine tube (123) installed in the bottom of an evacuation room for transporting urine down a tube to a location outside of the housing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the urine tube as taught by Conover with the device of Lodige in order to provide for quick evacuation of the urine from the pigpen structure to minimize the offensive odor and disease-causing potential of stagnant waste within the structure.

Regarding claim 10, Lodige as modified discloses at least one of the walls is made of a plurality of horizontally running elongated materials (as clearly seen in Figures 1 and 3).

Regarding claim 11, while Lodige as modified does not positively disclose that the evacuation room gate is installed to have clearance above the ground level, it is considered to be obvious to one having ordinary skill in the art to have the gate at a level above the ground level as it is stated that the gate "slides" and therefore, anything lower than ground level would make it impossible for the gate to slide to the closed position.

Regarding claim 12, Lodige as modified discloses the evacuation room is lower than the lodging room (as clearly seen in Figure 1 of Lodige).

Regarding claim 13, Lodige as modified discloses an excretion sludge vessel connected to the urine tube (124 of Conover).

Regarding claim 14, Lodige as modified discloses the invention as claimed (reference discussion of claim 2, above). Lodige further discloses a walking passage (f) and a continuous

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passage way formed by the evacuation rooms along the back wall (as it is stated that the rooms *may be* separated from one another thereby providing a teaching to those in the art that the rooms can also not be separated from one another thereby providing for a continuous passageway).

Regarding claim 15, reference discussion above of claim 10.

Regarding claim 16, Lodige as modified discloses the front wall being sloped leaning into the lodging room (i.e. wall "n" as viewed on the right stall structure of Figure 2).

Regarding claim 21, Lodige discloses the ground level of the passage way is lower than the ground level of any lodging room (reference Figure 1).

17. Claims 3 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lodige as modified as applied to claims 10 and 14 above, and further in view of Coley et al., US Patent 5,203,542 (Coley).

Lodige as modified discloses the invention as claimed. However, Lodige as modified does not disclose the use of a power cable laid over the horizontal running elongated materials. Coley teaches within the analogous art of animal enclosures the use of a power cable (20) laid over horizontally running materials (10) for the purpose of preventing animals from escaping from the enclosure. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the power cable as taught by Coley with the device of Lodige as modified in order to ensure the animals remain within the designated enclosure.

18. Claims 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lodige as modified as applied to claims 10 and 14 above, and further in view of Rhodes, US Patent 5,372,091.

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Lodige as modified discloses the invention substantially as claimed. However, Lodige does not positively disclose the material from which the horizontally running elongated member is made from. Rhodes teaches within the same field of endeavor the use of pipe as the horizontally running elongated material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the pipe as taught by Rhodes with the device of Lodige as modified since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. The function recitation that the pipe is for carrying hot water has not been given patentable weight because it is narrative in form. The recitation with respect to the manner in which a claimed apparatus is intended to be used does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations (i.e. a pipe is capable of carrying hot water for heating the lodging room).

19. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lodige as modified as applied to claim 2 above, and further in view of Marrs, US Patent 4,348,986.

Lodige as modified discloses the invention substantially as claimed. However, Lodige does not disclose the use of a heating pipe under the bottom surface. Marrs teaches within the same field of endeavor the use of a heating pipe (34) for heating the flooring of a pig pen. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the heating pipes as taught by Marrs with the device of Lodige as modified in order to providing a heating source for the animals in the event of cold weather.

20. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lodige as modified as applied to claim 2 above, and further in view of Overson, US Patent 2,255,806.

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Lodige as modified discloses the invention substantially as claimed. However, Lodige as modified does not disclose an automatic water supply and water tap connected to a water supply pipe. Overson teaches within the same field of endeavor the use of an automatic water supply and tap (page 2, lines 25-27) connected to a water supply pipe (34). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the water supply as taught by Overson with the device of Lodige as modified in order to provide a constant supply of water to the animals being housed in the pens.

21. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lodige as modified as applied to claim 14 above, and further in view of Robinson et al., US Patent 3,884,804 (Robinson):

Lodige as modified discloses the invention substantially as claimed. However, Lodige as modified does not disclose the walking passage is lower than the ground level of the lodging room. Robinson teaches within the same field of endeavor the use of a walking passage lower than the lodging room so as to allow the pig house worker to be at a location closer to feeding troughs and the working level of the pigs thereby reducing the amount of bending and kneeling that would be required in the day to day maintenance required on the pens. It would have been obvious to one having ordinary skill in the art at the time the invention was made to place the walkway at a level lower than the lodging room so as to limit the amount of bending and kneeling the worker would be required to do thereby reducing the overall amount of work that must be expended in the maintenance of the structure.

Conclusion

22. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Banse, US Patent 3,203,033.

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly S. Smith whose telephone number is 571-272-6909. The examiner can normally be reached on Monday thru Friday 10:00-4:00.

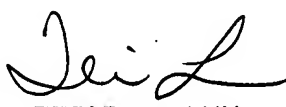
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimberly S Smith
Examiner
Art Unit 3644

kss


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